IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No.597 (S/S) 2006

Mahima Nand S/o Sri Chet Ram,
Resident of Neri Gamri, P.O. Dharasu,
District Uttarkashi. --- Petitioner.

Vs.

1. State of Uttarakhand through Secretary,
   Irrigation Department,
2. Engineer in Chief, Irrigation Department,
   Uttarakhand, Dehradun,
3. Superintending Engineer, Mandal-II
   Joshiyara, Uttarkashi,
4. Executive Engineer, Maneri Bhali Nirman Khand-II,
   Shaktipuram, Chinyalisaur,
   District Uttarkashi. ---Respondents.

Sri Gopal Narayan, learned counsel for the petitioner,
Sri H.M. Raturi, learned counsel for State of Uttarakhand/respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Gopal Narayan, learned counsel for the petitioner, Sri H.M. Raturi, learned Standing Counsel for the State of Uttarakhand/respondents.

The petitioner has moved application no. 10633 of 2006 seeking amendment in the prayer clause by which he intends to amend the prayer to the extent to issue writ, order or direction in the nature of mandamus directing the respondents to pay the regular salary to the petitioner on the principle of equal pay for equal work which is given to the regular employee/Beldar, because work of the petitioner and regular Beldar is same in nature. Thus, seeking such amendment clearly demonstrates that the petitioner is in quest of regularization of his services indirectly in the Irrigation Department.

In view of the principle of law laid down in **Secretary, State of Karnataka vs. Uma Devi, reported in (2006) 4 Supreme Court Cases, Page-01,** the amended prayer cannot be granted by this Court.

The writ petition is, thus dismissed. However the petitioner may make representation to the concerned authority for redressal of his grievances. Interim order, if any, stands vacated. (All the pending applications also stand disposed of).

(M.M. Ghildiyal, J.)

April 13, 2007:
NCM: